

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

REBECCA FAUST,

Plaintiff,

v.

JAY INSLEE, Governor of the State of  
Washington; CHRIS LIU, Director of  
Enterprise Services

Defendants.

CASE NO. C20-5356 BHS

ORDER DENYING PLAINTIFF'S  
MOTION FOR WAIVER OF  
PACER FEES AND MOTION TO  
APPOINT COUNSEL

This matter comes before the Court on Plaintiff Rebecca Faust's ("Faust") motion for waiver of PACER fees, Dkt. 5, and motion to appoint counsel, Dkt. 19.

On April 28, 2020, the Court granted Faust's motion to proceed *in forma pauperis* and accepted Faust's civil rights complaint against Defendants Jay Inslee, Governor of the State of Washington ("Governor Inslee") and Chris Liu, Director of Enterprise Services ("Liu") (collectively "Defendants"). Dkt. 3. Faust's claim is based on the denial of her application for a permit to hold a rally on the State Capital grounds on May 1, 2020. *Id.* at 3.

On April 28, 2020 the Court also accepted Faust's motion for the waiver of PACER fees. Dkt. 5. Faust fails to cite any authority in support of her request. Moreover, Faust fails to show that she was billed, requested a waiver based on her

1 financial situation, and was denied such a waiver. At most, Faust's fee will be capped at  
2 \$30 per quarter. *See* [https://www.uscourts.gov/news/2019/09/17/judiciary-adopts-new-](https://www.uscourts.gov/news/2019/09/17/judiciary-adopts-new-model-edr-plan-doubles-fee-waiver-pacer#pacer)  
3 [model-edr-plan-doubles-fee-waiver-pacer#pacer](https://www.uscourts.gov/news/2019/09/17/judiciary-adopts-new-model-edr-plan-doubles-fee-waiver-pacer#pacer) (last visited June 4, 2020). Therefore,  
4 the Court **DENIES** the motion.

5 On May 8, 2020, Faust filed a motion to appoint counsel. Dkt. 19. The decision  
6 to appoint is within "the sound discretion of the trial court and is granted only in  
7 exceptional circumstances." *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984).  
8 A finding of exceptional circumstances of the plaintiff seeking assistance requires at least  
9 an evaluation of the likelihood of the plaintiff's success on the merits and an evaluation  
10 of the plaintiff's ability to articulate her claims "in light of the complexity of the legal  
11 issues involved." *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (quoting  
12 *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)).

13 In this case, Faust has failed to establish exceptional circumstance warranting  
14 appointed counsel. Faust has sufficiently articulated her claims such that the Court and  
15 Defendants can adequately understand them. Thus, Faust has failed to establish a need  
16 for appointed counsel at this time, and the Court **DENIES** the motion.

17 **IT IS SO ORDERED.**

18 Dated this 4th day of June, 2020.

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21 BENJAMIN H. SETTLE  
22 United States District Judge